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FACSIMILE COVER SHEET

DATE: JULY 17, 2003

NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET):

17

TIME: 3:55 PM

YOUR REFERENCE: 09/414/951

OUR REFERENCE: 202143

TO: EXAMINER CHARLES R. KYLE
GROUP 2164
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C.

FAX RECEIVED

JUL 18 2003

TELEPHONE NUMBER:
FACSIMILE NUMBER: (703) 872-9327

Official

GROUP 3600

FROM: MARK JOY, REG. NO. 35,562

DIRECT LINE: (312) 616-5673

MESSAGE:

PER THE EXAMINER'S INSTRUCTIONS, THE ATTACHED RESPONSE AND DECLARATION IS BEING RESUBMITTED. PLEASE ENTER THE RESPONSE AND DECLARATION.

PLEASE SEE ATTACHED E-MAIL FROM THE EXAMINER.

A FURTHER CERTIFICATE OF FACSIMILE IS ATTACHED.

A confirmation copy of the transmitted document will:

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Arhos, Norma

From: Arhos, Norma
Sent: Thursday, July 17, 2003 3:45 PM
To: 'Kyle, Charles R.'
Subject: RE: 09/414,951

Dear Examiner Kyle:

The documents were faxed to the Patent Office at 703 872-9327 on March 17, 2003. In addition, a Certificate of Facsimile was included.

Although duplicate copies are not to be submitted to the Patent Office, I am refaxing today to 703 872-9327 everything again (3rd time) to be entered into the system. This submission will include the Supplemental Response, The Andrew Perlumutter Declaration, along with all certificates of Facsimiles and the receipts from the Patent Office.

I trust that this Response and Declaration will be entered.

Incidentally, our Deposit Account was charged \$465.00 on May 27, 2003 for the 3-month extension which means that the Patent Office did receive the fax.

Norma Arhos
Leydig, Voit & Mayer, ltd.

-----Original Message-----

From: Kyle, Charles R. [mailto:Charles.Kyle@USPTO.GOV]
Sent: Thursday, July 10, 2003 5:33 AM
To: narhos@leydig.com
Subject: RE: 09/414,951

If you did not fax the documents below to the (703) 872-9327 number of my prior e-mail, they cannot be entered. The documents must be received at that number, logged in and then entered into the file. Submissions to me directly are merely informational. Additionally, you should include the fax equivalent of a certificate of mailing showing the date you sent the original fax.

When the documents are properly received and entered we will determine their effect on the prosecution of the case.

Charles Kyle

-----Original Message-----

From: narhos@leydig.com [mailto:narhos@leydig.com]
Sent: Wednesday, July 09, 2003 3:44 PM
To: charles.kyle@uspto.gov
Subject: FW: 09/414,951

> RE: Michael, A. Arkes U.S. Patent Application No. 09/414,951
> "AN INCENTIVE/POINTS REDEMPTION PROGRAM CARRIED OUT VIA AN
ON-LINE
> AUCTION"
>
> Dear Examiner Kyle -
>
> This e-mail follows up our telephone conversation this morning,

wherein
> you indicated that the Perlmutter Declaration had not been received.
>
> I am attaching a copy of our Supplement Response/Declaration that was
> faxed to the PTO on March 11, 2003. In addition, I am attaching a
copy of
> an e-mail that was sent to you on March 17, 2003 that included the
same
> Supplemental Response/Declaration that was faxed to you on March 11,
2003.
> It was also faxed again on March 17, 2003.
>
> As you will see, these submissions included the Declaration of Andrew
> Perlmutter.
>
> To date, however, the Declaration has not been considered by you, even
> though it was provided to you and submitted to the Patent Office prior
to
> the filing of the Notice of Appeal.
>
> Accordingly, your prompt consideration of the Perlmutter Declaration
and
> Supplemental Response is respectfully requested. Please provide us
with
> your response, that we are entitled to, in view of the Declaration
that
> was apparently misplaced at the Patent Office.
>
> Thank you for your consideration. We shall await your comments. Our
due
> date for filing our Appeal Brief is August 27, 2003.
>
>
> Norma Arhos
> Leydig, Voit & Mayer
> (312) 616-5628
>
> <<202143-email-examiner.pdf>>
> <<202143-march17-email.pdf>>
>
> <<g8t09300.PDF>>

In re Application of: Michael A. Arkes
Application No. 09/414,951
Filed: October 8, 1999
For:

AN INCENTIVE POINTS REDEMPTION PROGRAM CARRIED OUT VIA AN ON-LINE AUCTION

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is a response to an office action in the subject application.

☒ Applicants claim small entity status of this application under 37 CFR 1.27.

☐ Petition for Extension of Time

☒ Applicant petitions for a three-month extension of time under 37 CFR 1.136, the fee for which is \$465.00 (enclosed).

☐ Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☒ No additional claim fee is required.

☒ Other: Declaration of Andrew Perlmutter in Support of Applicant's Prior Declaration under 37 CFR 1.131 and 1.132

The claim fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE
TOTAL	20	MINUS	20	=0	x 9=	\$	x 18=	\$
INDEPENDENT	2	MINUS	3	=0	x 42=	\$	x 84=	\$
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 140=	\$	+ 280=	\$
					TOTAL	\$	TOTAL	\$0.00

☒ Please charge my Deposit Account No. 12-1216 in the amount of \$465.00. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached.

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.

Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

By 
Mark Joy, Reg. No. 35,582

JUL. 17. 2003 4:40PM LVM 312 616 5700

NO. 4236 P. 17

P. 1

* * * COMMUNICATION RESULT REPORT (MAR. 17. 2003 9:35AM) * * *

TTI LEYDIG VOIT & MAYER

TRANSMITTED/STORED MAR. 17. 2003 9:32AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

6547 MEMORY TX

G3-AT:8202143917038729327

OK

10/10

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) NO ANSWER

E-2) BUSY
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FACSIMILE COVER SHEET

DATE: MARCH 17, 2003

NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET): 10

TIME: 9:32 AM

YOUR REFERENCE: 09/414/951

OUR REFERENCE: 202143

TO: EXAMINER CHARLES R. KYLE
GROUP 2164
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C.

TELEPHONE NUMBER:

FACSIMILE NUMBER: (703) 872-9327

FROM: MARK JOY, REQ. NO. 35,562

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JUL. 17. 2003 4:39PM LVM 312 616 5700

NO. 4236 P. 14 1

* * * COMMUNICATION RESULT REPORT (MAR. 11. 2003 4:12PM-) * * *

TT1 LEYDIG VOIT & MAYER

TRANSMITTED/STORED MAR. 11. 2003 4:09PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

5156 MEMORY TX

G3-AT:8202143917037467238

OK

10/10

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LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
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FACSIMILE COVER SHEET

DATE: MARCH 11, 2003

NUMBER OF PAGES (INCLUDING
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TIME: 4:03 PM

YOUR REFERENCE:

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TO: EXAMINER CHARLES R. KYLE
GROUP 2164
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C.

TELEPHONE NUMBER:

FACSIMILE NUMBER: (703) 746-7238

FROM: MARK JOY, REG. NO. 35,562

DIRECT LINE: (312) 616-5673

MESSAGE:

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11/03 JUL 17 2003 4:40PM

LVM 312 616 5700

USPIO

312 616 5700 RightFAX

NO. 4236 P. 15

Page 001

TO: Auto-reply fax to 312 616 5700 COMPANY:

202143

ORIGINAL

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 312 616 5700

Fax Information

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Total Pages:

3/11/03 5:14:57 PM [Eastern Standard Time]
10 (including cover page)

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Received
Cover
Page

=====>

MAR 11 2003 4:05 PM LEXDIG VOIT & MAYER		AC 5:35 P. 1
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TELEPHONE: (312) 616-5600	TELECOPY: (312) 616-5700 (G3) (312) 849-0495 (G4)	
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DATE: MARCH 11, 2003	NUMBER OF PAGES (INCLUDING THIS TRANSMITTAL COVER SHEET): 10	
TIME: 4:03 PM		
YOUR REFERENCE:	OUR REFERENCE: 202143	
TO: EXAMPER CHARLES R. KYLS GROUP 3164 UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C.		
TELEPHONE NUMBER: FACSIMILE NUMBER: (703) 746-7238		
FROM: MARK JOY, REG. NO. 35,362	DIRECT LINK: (312) 616-5673	
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Received from <312 616 5700> at 7/17/03 5:37:53 PM [Eastern Daylight Time]

In re Appln. of Michael A. Arkes
Application No. 09/414,951

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this SUPPLEMENTAL RESPONSE/DECLARATION AND REQUEST FOR RECONSIDERATION AFTER FINAL (along with any documents referred to as attached or enclosed) is being transmitted by facsimile to the United States Patent and Trademark Office, Attention: Examiner Charles R. Kyle, Art Unit 2164, Facsimile Number (703) 746-7238, on the date indicated.

Date: March 11, 2003

Norma J. Arkes
(Typed or printed name of person transmitting)

Norma J. Arkes
(Signature of person transmitting)

In re Appln. of Michael A. Arkes
Application No. 09/414,951

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Date: March 17, 2003

Norma J. Arkes
(Typed or printed name of person transmitting)

Norma J. Arkes
(Signature of person transmitting)

Official

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JUL 18 2003

GROUP 3600

USSN: 09/414,941

Inventor: Michael A. Arkes

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Date: July 17, 2003

Norma J. Arhos
(Typed or printed name of person transmitting)

Norma J. Arhos
(Signature of person transmitting)